


# COUNTY OF YORK

## MEMORANDUM

**DATE:** June 10, 2004

**TO:** James E. Barnett, County Attorney

**FROM:**   
Albert M. Maddalena, Chief of Development & Compliance

**SUBJECT:** Vacation of Bicycle Easements and Recreation Area at Williamsburg Commons II (also known as Williamsburg Carriage Homes)

### **BACKGROUND INFORMATION**

The Williamsburg Commons II subdivision is a residential project comprised of duplex housing units located in the northern portion of the County off of Commons Way. The project was given site plan approval on August 5, 1996, and the final plats for Phases 1 and 2 were recorded on November 20, 1996 and April 30, 1997, respectively. Plans for the subdivision included a bike pathway that would wind its way through the project, connecting the adjacent Highland Park neighborhood to the east and other property located off of Lafayette Street to the west, both of which are located in the City of Williamsburg. A proposed bicycle/pedestrian bridge over the C&O railroad that adjoins the subject property was to be jointly built by the Virginia Department of Transportation (VDOT) and York County and was considered an integral feature of the trail system. To accommodate this recreational amenity, the developer of the Williamsburg Commons II project dedicated bicycle easements and a parcel of land containing 0.341 acres (identified as a recreation area) to the County.

The proposed bicycle path through Williamsburg Commons II was not well received by the eventual residents of that subdivision because of its potential for bringing non-residents through the subdivision and increasing the potential for crime. The police chief for the City of Williamsburg also voiced similar concerns. The costs to construct the bicycle/pedestrian bridge over the C&O railroad rose to nearly \$2 million. The City was approached to determine if it would be interested in accepting a donation of land from the project developer to accommodate the bicycle bridge construction on the City's side of the C&O railroad. The City indicated that it was not interested in the bicycle/pedestrian bridge being constructed in the City limits. As a result of neighborhood sentiment, the City's position on the bridge construction, and the construction costs of the bridge, the bridge project was abandoned. Thus, the recreation area and bicycle easements dedicated to the County by the developer are no longer needed.

James E. Barnett  
June 10, 2004  
Page 2

### **RECOMMENDATION**

Counsel for the Carriage Homes Owners Association, Inc. has requested that the land and easements be returned to the residents of the Williamsburg Commons II neighborhood. Since the bike path easements and recreation area dedication were not required by either the zoning or subdivision ordinances for approval of the Williamsburg Commons II project, and since the bicycle/pedestrian bridge project has been abandoned, this office has no problem with the vacation of the easements and the return of the recreation area to the residents for their use. I, therefore, recommend that we proceed with the process of vacation as required by the Code of Virginia. A drawing depicting the recreation area and easement locations is attached for your use.

Copy to:        John Hudgins, Director of Environmental & Development Services

Attachment